KINGS HILL SCHOOL

Kings Hill School
Primary and Nursery

Freedom of Information Policy

Date of Policy: December 2025

Date of Review: December 2026

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FREEDOM OF INFORMATION POLICY

Introduction

The Freedom of Information Act 2000 gives individuals the right to access official information from public bodies. Under the Act, any person has a legal right to ask for access to information held by the school. They are entitled to be told whether the school holds the information, and to receive a copy, subject to certain exemptions. While the Act assumes openness, it recognises that certain information is sensitive. There are exemptions to protect this information.

Public Authorities should be clear and proactive about the information they will make public. For this reason, a publication scheme is available from Kent County Council.

This policy does not form part of any individual's terms and conditions of employment with the School and is not intended to have contractual effect.

Requests

The majority of requests under the Freedom of Information Act will be handled by the appropriate department at the Local Authority. However, if the request relates to information held on a school level, requests may be made directly to the Headteacher at the School. The request may be addressed to anyone in the School; so all staff need to be aware of the process for dealing with requests.

Requests for information that are not data protection or environmental information requests will be covered by the Freedom of Information Act: -

Data Protection enquiries (or subject access requests) are requests where the enquirer asks to see what personal information the school holds about the enquirer. If the enquiry is a Data Protection request, the School's Data Protection Policy should be followed.

Environmental Information Regulations enquiries are those which relate to air, water, land, natural sites, built environment, flora and fauna, and health, and any decisions and activities affecting any of these. These could therefore include enquiries about recycling, phone masts, school playing fields, car parking etc. If the enquiry is about environmental information, follow the guidance on the Department for Environment, Food and Rural Affairs (DEFRA) website.

Freedom of Information requests must be made in writing, (including email), and should include the enquirers name and correspondence address (email addresses are allowed), and state what information they require. There must be enough information in the request to be able to identify and locate the information. If this information is covered by one of the other pieces of legislation (as referred to above), they will be dealt with under the relevant policy/procedure related to that request.

If the request is ambiguous and/or the School require further information in order to deal with your request, the School will request this further information directly from the individual making the request. Please note that the School do not have to deal with the request until the further information is received. Therefore, the time limit starts from the date that the School receives all information required in order to deal with the request.

The requester does not have to mention the Act, nor do they have to say why they want the information. There is a duty to respond to all requests, telling the enquirer whether or not the information is held, and supplying any information that is held, except where exemptions apply. There is a time limit of 20 working days excluding school holidays for responding to the request.

Information

Provided all requirements are met for a valid request to be made, the School will provide the information that it holds (unless an exemption applies).

"Holding" information means information relating to the business of the school:

- That the school has created; or
- That the school has received from another body or person; or
- Held by another body on the school's behalf.

Information means both hard copy and digital information, including email.

If the information is held by another public authority, such as the Local Authority, first check with them they hold it, then transfer the request to them. If this applies, the School will notify the enquirer that they do not hold the information and to whom they have transferred the request. The School will continue to answer any parts of the enquiry in respect of information it does hold.

When the School does not hold the information, it has no duty to create or acquire it; just to answer the enquiry, although a reasonable search will be made before confirming whether the School has the information requested.

If the information requested is already in the public domain, for instance through the Publication Scheme or on the School's website, the School will direct the enquirer to the information and explain how to access it.

The requester has the right to be told if the information requested is held by the School (subject to any of the exemptions). This obligation is known as the school's "duty to confirm or deny" that it holds the information. However, the school does not have to confirm or deny if:-

- The exemption is an absolute exemption; or
- In the case of qualified exemptions, confirming or denying would itself disclose exempted information.

Classes of Information Currently Published

School Prospectus – ***this section sets out information published in the school prospectus.***

Class	Description
School Prospectus	The statutory contents of the school prospectus are as follows, (other items may be included in the prospectus at the school's discretion): • the name, address and telephone number of the school, and the type of school • the names of the head teacher and chair of governors • information on the school policy on admissions • a statement of the school's ethos and values • details of any affiliations with a particular religion or religious denomination, the religious education provided, parents' right to withdraw their child from religious education and collective worship and the alternative provision for those pupils • information about the school's policy on providing for pupils with additional educational needs • the arrangements for visits to the school by prospective parents

Governors' Documents – ***this section sets out information published in governing body documents.***

Class	Description
Instrument of Government	• The name of the school • The category of the school • The name of the governing body • The manner in which the governing body is constituted • The term of office of each category of governor if less than 4 years • The name of anybody entitled to appoint any category of governor • Details of any trust • If the school has a religious character, a description of the ethos • The date the instrument takes effect
Minutes [1] of meeting of the governing body and its committees	Agreed minutes of meetings of the governing body and its committees *[current and last full academic school year]*

Pupils & Curriculum Policies - ***This section gives access to information about policies that relate to pupils and the school curriculum.***

Class	Description
Home – school agreement	Statement of the school's aims and values, the school's responsibilities, the parental responsibilities and the school's expectations of its pupils for example homework arrangements.
Curriculum Policy	Statement on following the policy for the secular curriculum subjects and religious education and schemes of work and syllabuses currently used by the school
Sex and Relationships Policy	Statement of policy with regard to sex and relationship education
Special Education Needs Policy	Information about the school's policy on providing for pupils with special educational needs
Single Equality Scheme	Plan for increasing participation of disabled pupils in the school's curriculum, improving the accessibility of the physical environment and improving delivery of information to disabled pupils.
Race Equality Policy	Statement of policy for promoting race equality
Child Protection Policy	Statement of policy for safeguarding and promoting welfare of pupils at the school.
Behaviour and Exclusions	Statement of general principles on behaviour and discipline and of measures taken by the head teacher to prevent, and respond too, bullying.

School Policies and other information related to the school - ***This section gives access to information about policies that relate to the school in general.***

Class	Description

[1] Some information might be confidential or otherwise exempt from the publication by law – we cannot therefore publish this

Published reports of Ofsted referring expressly to the school	Published report of the last inspection of the school and the summary of the report and where appropriate inspection reports of religious education in those schools designated as having a religious character
Post-Ofsted inspection action plan	A plan setting out the actions required following the last Ofsted inspection and where appropriate an action plan following inspection of religious education where the school is designated as having a religious character
Charging and Remissions Policy	A statement of the school's policy with respect to charges and remissions for any optional extra or board and lodging for which charges are permitted, for example school publications, music tuition, trips
School session times and term dates	Details of school session and dates of school terms and holidays
Health and Safety Policy and risk assessment	Statement of general policy with respect to health and safety at work of employees (and others) and the organisation and arrangements for carrying out the policy
Complaints Policy	Statement of procedures for dealing with complaints
Appraisal	Statement of procedures adopted by the governing body relating to the performance management of staff and the annual report of the head teacher on the effectiveness of appraisal procedures
Staff Conduct, Discipline and Grievance	Statement of procedure for regulating conduct and discipline of school staff and procedures by which staff may seek redress for grievance
Curriculum circulars and statutory instruments	Any statutory instruments, departmental circulars and administrative memoranda sent by the Department of Education and Skills to the head teacher or governing body relating to the curriculum

Vexatious Requests

There is no obligation on the School to comply with vexatious requests. A vexatious request is one which is designed to cause inconvenience, harassment or expense rather than to obtain information, and would require a substantial diversion of resources or would otherwise undermine the work of the school. This however does not provide an excuse for bad records management.

In addition, the School do not have to comply with repeated identical or substantially similar requests from the same applicant unless a "reasonable" interval has elapsed between requests.

Fees

The School may charge the requester a fee for providing the requested information. This will be dependent on whether the staffing costs in complying with the request exceeds the "threshold." The threshold is currently £450 with staff costs calculated at a fixed rate of £25 per hour (therefore 18 hours' work is required before the threshold is reached).

If a request would cost less than the threshold, then the school can only charge for the cost of informing the applicant whether the information is held, and communicating the information to the applicant (e.g. photocopying, printing and postage costs).

When calculating costs/threshold, the School can take account of the staff costs/time in determining whether the information is held by the School, locating and retrieving the information, and extracting the information from other documents. The School will not take account of the costs involved with considering whether information is exempt under the Act.

If a request would cost more than the appropriate limit, (£450) the school can turn the request down, answer and charge a fee or answer and waive the fee.

If the School are going to charge they will send the enquirer a fees notice. The School do not have to comply with the request until the fee has been paid. More details on fees can be found on the ICO website.

If planning to turn down a request for cost reasons, or charge a high fee, you should contact the applicant in advance to discuss whether they would prefer the scope of the request to be modified so that, for example, it would cost less than the appropriate limit.

Where two or more requests are made to the School by different people who appear to be acting together or as part of a campaign the estimated cost of complying with any of the requests may be taken to be the estimated total cost of complying with them all.

Time Limits

Compliance with a request must be prompt and within the time limit of 20 working days (excluding school holidays). Failure to comply could result in a complaint by the requester to the Information Commissioner. The response time starts from the time the request is received.

Where the School has asked the enquirer for more information to enable it to answer, the 20 working days start time begins when this further information has been received.

If some information is exempt this will be detailed in the School's response.

If a qualified exemption applies and the School need more time to consider the public interest test, the School will reply in 20 working days stating that an exemption applies but include an estimate of the date by which a decision on the public interest test will be made. This should be within a "reasonable" time.

Where the School has notified the enquirer that a charge is to be made, the time period stops until payment is received.

Third Party Data

Consultation of third parties may be required if their interests could be affected by release of the information requested, and any such consultation may influence the decision.

Consultation will be necessary where:

- disclosure of information may affect the legal rights of a third party, such as the right to have certain information treated in confidence or rights under Article 8 of the European Convention on Human Rights;
- the views of the third party may assist the School to determine if information is exempt from disclosure; or
- the views of the third party may assist the School to determine the public interest test.

Personal information requested by third parties is also exempt under this policy where release of that information would breach the Data Protection Act. If a request is made for a document (e.g. Governing Body minutes) which contains personal information whose release to a third party would breach the Data Protection Act, the document may be issued by blanking out the relevant personal information as set out in the redaction procedure.

Exemptions

The presumption of the Freedom of Information Act is that the School will disclose information unless the Act provides a specific reason to withhold it. The Act recognises the need to preserve confidentiality and protect sensitive material in certain circumstances.

The School may refuse all/part of a request, if one of the following applies: -

1) There is an exemption to disclosure within the act;
2) The information sought is not held;
3) The request is considered vexatious or repeated; or
4) The cost of compliance exceeds the threshold.

A series of exemptions are set out in the Act which allow the withholding of information in relation to an enquiry. Some are very specialised in their application (such as national security) and would not usually be relevant to schools.

There are two general categories of exemptions:-

1) **Absolute**: where there is no requirement to confirm or deny that the information is held, disclose the information or consider the public interest; and
2) **Qualified**: where, even if an exemption applies, there is a duty to consider the public interest in disclosing information.

Absolute Exemptions

There are eight absolute exemptions set out in the Act. However the following are the only absolute exemptions which will apply to the School: -

- Information accessible to the enquirer by other means (for example by way of the School's Publication Scheme);
- National Security/Court Records;
- Personal information (i.e. information which would be covered by the Data Protection Act);
- Information provided in confidence.

If an absolute exemption exists, it means that disclosure is not required by the Act. However, a decision could be taken to ignore the exemption and release the information taking into account all the facts of the case if it is felt necessary to do so.

Qualified Exemptions

If one of the below exemptions apply (i.e. a qualified disclosure), there is also a duty to consider the public interest in confirming or denying that the information exists and in disclosing information.

The qualified exemptions under the Act which would be applicable to the School are: -

- Information requested is intended for future publication (and it is reasonable in all the circumstances for the requester to wait until such time that the information is actually published);
- Reasons of National Security;
- Government/International Relations;
- Release of the information is likely to prejudice any actual or potential legal action or formal investigation involving the School or Local Authority;
- Law enforcement (i.e. if disclosure would prejudice the prevention or detection of crime, the prosecution of offenders or the administration of justice);
- Release of the information would prejudice the ability of the Local Authority to carry out an effective audit of its accounts, resources and functions;
- For Health and Safety purposes;
- Information requested is Environmental information;

- Information requested is subject to Legal professional privilege; and
- For “Commercial Interest” reasons.

Where the potential exemption is a qualified exemption, the School will consider the public interest test to identify if the public interest in applying the exemption outweighs the public interest in disclosing it.

In all cases, before writing to the enquirer, the person given responsibility by the School for dealing with the request will need to ensure that the case has been properly considered, and that the reasons for refusal, or public interest test refusal, are sound.

Refusal

If it is decided to refuse a request, the School will send a refusals notice, which must contain

- the fact that the responsible person cannot provide the information asked for;
- which exemption(s) apply;
- why the exemption(s) apply to this enquiry (if it is not self-evident);
- reasons for refusal; and
- the School’s complaints procedure.

For monitoring purposes and in case of an appeal against a decision not to release the information or an investigation by the Information Commissioner, the responsible person must keep a record of all enquiries where all or part of the requested information is withheld and exemptions are claimed. The record must include the reasons for the decision to withhold the information.

Complaints/Appeals

Any written (including email) expression of dissatisfaction should be handled through the School’s existing complaints procedure. Wherever practicable the review should be handled by someone not involved in the original decision.

The Governing Body should set and publish a target time for determining complaints and information on the success rate in meeting the target. The school should maintain records of all complaints and their outcome.

If the outcome is that the School’s original decision or action is upheld, then the applicant can appeal to the Information Commissioner. The appeal can be made via their website www.ico.org.uk or in writing to the Information Commissioner’s Office.

Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

or

Enquiry/Information Line: 0303 123 1113
Website : www.ico.org.uk